



General Assembly

Substitute Bill No. 844

January Session, 2009

* SB00844JUD__040309__ *

AN ACT CONCERNING METHAMPHETAMINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-240 of the general statutes is amended by
2 adding subdivision (59) as follows (*Effective October 1, 2009*):

3 (NEW) (59) "Methamphetamine-type substance" means a
4 methamphetamine and structural analogue, including, but not limited
5 to, methylenedioxymethamphetamine and other substituted
6 phenylethylamine compounds, their salts, isomers and salts of isomers
7 and chemical compounds that are similar thereto in chemical structure
8 or that are similar thereto in physiological effect, and that show a like
9 potential for abuse or that are controlled substances under this chapter,
10 unless modified.

11 Sec. 2. Section 21a-277 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2009*):

13 (a) Any person who manufactures, distributes, sells, prescribes,
14 dispenses, compounds, transports with the intent to sell or dispense,
15 possesses with the intent to sell or dispense, offers, gives or
16 administers to another person any controlled substance [which] that is
17 (1) a hallucinogenic substance other than marijuana, [or] (2) a narcotic
18 substance, or (3) a methamphetamine-type substance, except as
19 authorized in this chapter, for a first offense, shall be imprisoned not

20 more than fifteen years and may be fined not more than fifty thousand
21 dollars or be both fined and imprisoned; and for a second offense shall
22 be imprisoned not more than thirty years and may be fined not more
23 than one hundred thousand dollars, or be both fined and imprisoned;
24 and for each subsequent offense, shall be imprisoned not more than
25 thirty years and may be fined not more than two hundred fifty
26 thousand dollars, or be both fined and imprisoned.

27 (b) Any person who manufactures, distributes, sells, prescribes,
28 dispenses, compounds, transports with intent to sell or dispense,
29 possesses with intent to sell or dispense, offers, gives or administers to
30 another person any controlled substance, except [a narcotic substance,
31 or] (1) a hallucinogenic substance other than marijuana, (2) a narcotic
32 substance, or (3) a methamphetamine-type substance, except as
33 authorized in this chapter, may, for the first offense, be fined not more
34 than twenty-five thousand dollars or be imprisoned not more than
35 seven years or be both fined and imprisoned; and, for each subsequent
36 offense, may be fined not more than one hundred thousand dollars or
37 be imprisoned not more than fifteen years, or be both fined and
38 imprisoned.

39 (c) No person shall knowingly possess drug paraphernalia in a drug
40 factory situation as defined by subdivision (20) of section 21a-240 for
41 the unlawful mixing, compounding or otherwise preparing any
42 controlled substance for purposes of violation of this chapter. Any
43 person who violates the provisions of this subsection may, for the first
44 offense, be fined not more than one thousand dollars or be imprisoned
45 not more than two years, or be both fined and imprisoned, except that
46 if such drug paraphernalia is for the unlawful mixing, compounding
47 or otherwise preparing a methamphetamine-type substance, such
48 person may be fined not more than five thousand dollars or be
49 imprisoned not more than five years, or be both fined and imprisoned.
50 Any person who violates the provisions of this subsection may, for a
51 subsequent offense, be fined not more than ten thousand dollars or be
52 imprisoned not more than ten years, or be both fined and imprisoned.

53 (d) As an alternative to the sentences specified in subsections (a)
54 and (b) of this section, the court may sentence the person to the
55 custody of the Commissioner of Correction for an indeterminate term
56 not to exceed three years or the maximum term specified for the
57 offense, whichever is the lesser, and, at any time within such
58 indeterminate term and without regard to any other provision of law
59 regarding minimum term of confinement, the Commissioner of
60 Correction may release the convicted person so sentenced subject to
61 such conditions as he may impose including, but not limited to,
62 supervision by suitable authority. At any time during such
63 indeterminate term, the Commissioner of Correction may revoke any
64 such conditional release in his discretion for violation of the conditions
65 imposed and return the convicted person to a correctional institution.

66 Sec. 3. Subsection (a) of section 21a-278 of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective*
68 *October 1, 2009*):

69 (a) Any person who manufactures, distributes, sells, prescribes,
70 dispenses, compounds, transports with the intent to sell or dispense,
71 possesses with the intent to sell or dispense, offers, gives or
72 administers to another person one or more preparations, compounds,
73 mixtures or substances containing an aggregate weight of one ounce or
74 more of heroin or methadone, [or] an aggregate weight of one-half
75 ounce or more of cocaine or one-half ounce or more of cocaine in a
76 free-base form or an aggregate weight of fifty grams or more of
77 methamphetamine-type substance, or a substance containing five
78 milligrams or more of lysergic acid diethylamide, except as authorized
79 in this chapter, and who is not, at the time of such action, a drug-
80 dependent person, shall be imprisoned for a minimum term of not less
81 than five years or more than twenty years; and, a maximum term of
82 life imprisonment. The execution of the mandatory minimum sentence
83 imposed by the provisions of this subsection shall not be suspended,
84 except the court may suspend the execution of such mandatory
85 minimum sentence if at the time of the commission of the offense (1)
86 such person was under the age of eighteen years, or (2) such person's

87 mental capacity was significantly impaired, but not so impaired as to
88 constitute a defense to prosecution.

89 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) Any person who sells or
90 offers for sale at retail any drug product or combination of drug
91 products containing ephedrine, pseudoephedrine or
92 phenylpropanolamine, or their salts, isomers or salts of isomers shall:
93 (1) Store such drug product or combination of drug products in a
94 location that is inaccessible to consumers, and (2) require consumers to
95 request and purchase such drug product or combination of drug
96 products at the counter.

97 (b) A person who sells or offers for sale at retail any drug product or
98 combination of drug products pursuant to subsection (a) of this section
99 shall maintain a log book containing: (1) The signature of the
100 purchaser of the product, (2) the name of the purchaser of the product,
101 (3) the address of the purchaser of the product, (4) the date of the
102 purchase, (5) the time of the purchase, (6) the name of the seller, (7) the
103 name of the product purchased, and (8) the quantity of the product
104 purchased. Such seller shall maintain the log book for not less than two
105 years after the date the last entry is made in the log book. Such seller
106 shall obtain positive identification of the purchaser to verify the
107 information provided by the purchaser and contained in the log book.
108 The provisions of this subsection shall not apply to the purchase of a
109 single package containing not more than sixty milligrams of
110 pseudoephedrine.

111 (c) A person who sells or offers for sale at retail any drug product or
112 combination of drug products pursuant to subsection (a) of this section
113 shall maintain a written certification that all individuals who are
114 responsible for the delivery of such drug products to purchasers or
115 who deal directly with purchasers by obtaining payments for such
116 drug products have completed training provided by such seller to
117 ensure that such individuals understand the requirements of this
118 section.

119 (d) No individual shall purchase, receive or otherwise acquire more
120 than three and six-tenths grams per day or more than nine grams
121 during a thirty-day period of any drug product or combination of drug
122 products containing ephedrine, pseudoephedrine or
123 phenylpropanolamine, or their salts, isomers or salts of isomers.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	21a-240
Sec. 2	<i>October 1, 2009</i>	21a-277
Sec. 3	<i>October 1, 2009</i>	21a-278(a)
Sec. 4	<i>October 1, 2009</i>	New section

Statement of Legislative Commissioners:

In sections 2(a), 2(b) and 3(a), technical changes were made for consistency with the style of the general statutes.

JUD *Joint Favorable Subst.-LCO*